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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,124	11/13/2001	William B. Bellows	061270-0657	6397

7590 03/12/2002

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EXAMINER

VU, STEPHEN A

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/987,124

Applicant(s)
Bellows et al

Examiner
Stephen Vu

Group Art Unit
3636



☒ Responsive to communication(s) filed on Nov 13, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 33, 34, and 104 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 33, 34, and 104 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed November 13, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

2. Claims 34 and 104 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 recites the limitations "the elongated vertical wall" and "the leg engaging member" in line 2. There is insufficient antecedent basis for these limitations in the claim. Claim 104 recites the limitation "each leg" in line 1. There is insufficient antecedent basis for this limitation in the claim, since applicant has only defined only one leg in claim 33. Claim 104 recites the limitation "the height adjuster" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 33-34 and 104 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al.

Bates et al show a leg assembly comprising a sleeve (24), a slider (19) received in the sleeve and movable relative to the sleeve, a spring (46) positioned between the sleeve and the slider and supporting the slider relative to the sleeve, and a leg (18) received in the slider and adjustably mounted to the slider so that the position of the leg is adjustable relative to the slider.

With claim 34, a plurality of pairs of slots (52) are formed along an elongated vertical wall for engaging projections (49).

With claim 104, the leg (18) has an elongated vertical wall having a plurality of slots (52) formed along a vertical direction. A leg engaging member (49) is biased toward the elongated wall and has a projection to extend through the slot and hold the leg relative to the slider.

5. Claims 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hollonbeck et al.

Hollenbeck et al show a leg assembly (10) comprising a sleeve (32), a slider (34) received in the sleeve and movable relative to the sleeve, a spring positioned between the sleeve and the

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slider and supporting the slider relative to the sleeve, and a leg (47) received in the slider and adjustably mounted to the slider so that the position of the leg is adjustable relative to the slider.

With claim 34, a plurality of pairs of slots (34) are formed along an elongated vertical wall for engaging projections (37).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rainwater, Finkelstein, Chuang, Rossman et al, White, and Meeker et al are cited as showing similar types of leg assembly.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stephen Vu, whose telephone number is (703) 308-1378.



Stephen Vu
Patent Examiner
March 7, 2002



Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600